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FEDERAL COMMUNICATIONS COMMISSION
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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

FCC - CIVIL RIGHTS

In the Matter of)

)

Replacement of Part 90 by Part 88)

PR Docket 92-235

to revise the Private Land Mobile)

Radio Services and modify the)

policies governing them)

To: The Commission

Comments of R & D Communications, Inc. A TEXAS CORPORATION

IN RESPONSE TO NOTICE OF PROPOSED RULE MAKING

R & D Communications, Inc. pursuant to Section 1.415 of the Commission's rules (47 C.F.R.), hereby respectfully submits its comments in response to the Notice of Proposed Rule Making, 7 FCC Rcd. 8105 (1992) hereinafter referred to as "The Notice".

The Notice proposes a variety of revised rules and policy changes in order to accomplish several long range goals. In response to certain proposals contained in The Notice, R & D Communications, Inc. states as follows:

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I. INTRODUCTION

R & D Communications, INC. is a Texas Corporation involved in the sale and service of two-way radio equipment and related electronic equipment. Unlike most two-way radio vendors, R & D Communications, INC. serves the Public Safety market as our primary business. As such, it is very interested in The Notice, the goals of The Notice, the transition and the potential effects of The Notice. The Notice, as authored has both good and not so good effects.

II. CONCERNS

R & D Communications, INC. supports the goal of greater and more efficient use of the existing spectrum. However, we are extremely concerned about the transition times suggested in The Notice, the final narrow band plan of 6.25 and 5khz channel spacing, the lack of regulations for compatibility between various manufactures, and finally the wide ranging effects the FCC has already had on the public by release of The Notice.

A. Transition times:

R & D Communications, INC. has investigated the feasibility of the transitions suggested in The Notice. Our opinions are:

1) The initial transition schedule of 12.5 or 15 khz. channel spacing is not overly costly to the end user. This is a workable and effective means to arrive at the first step in increasing channel count in a given spectrum. The first step should be concerned with all NEW EQUIPMENT sold after the 1996 date proposed. Existing equipment should be modified only in areas where co-channel interference is determined to be a problem. We believe this to be in agreement with the alternate plan submitted by the Land Mobile Communications Council on April 28, 1993. There is no reason to cause the end user to spend the additional money to have equipment upgraded unless it becomes necessary or there is an immediate need for additional channel assignment at a given geographical location.

2) The second scheduled transition date to the more narrow banded technologies is extremely short sighted and may not be obtainable with future technologies by the deadline date. One issue not yet discussed is that of test equipment availability for field service by the deadline date. Currently test equipment which would be required for the accuracy called for in The Notice is available only in the lab. There is no test equipment manufactured to date which is stable enough to withstand the rough environment of a service vehicle bouncing up a mountain side changing 30 degrees in temperature when brought out of the vehicle for use. It is fine to say we must live with plus or minus 15 cycles of accuracy at 150 Mhz. in the transmitter if you

live in a vacuum. However, in reality can the test equipment to insure this accuracy is maintained in the field be manufactured without prohibitive cost by the second deadline date. This accuracy issue does not address the various methods of modulation nor the cost of equipment, nor does this discussion address the benefit of such tight specifications to the end user. This issue of accuracy has caused the FCC to lose some degree of credibility in their knowledge of the industry.

3) Beverly Baker of the FCC specifically stated at the recent EXPO convention in California in March that The Notice was the FCC's best efforts at the time and written based on inaccurate information supplied to the FCC. At EXPO in March, the question was raised on several occasions who the provider was that provided the inaccurate information. We strongly recommend and respectfully request the FCC investigate their sources of information and the accuracy of the information prior to any future rule making.

B. Compatibility:

R & D Communications, INC. has deep concerns about the lack of regulations for compatibility between various manufactures.

1) The FCC created a monster when they created the 11 meter Citizens Band. The FCC's answer to this monster was to

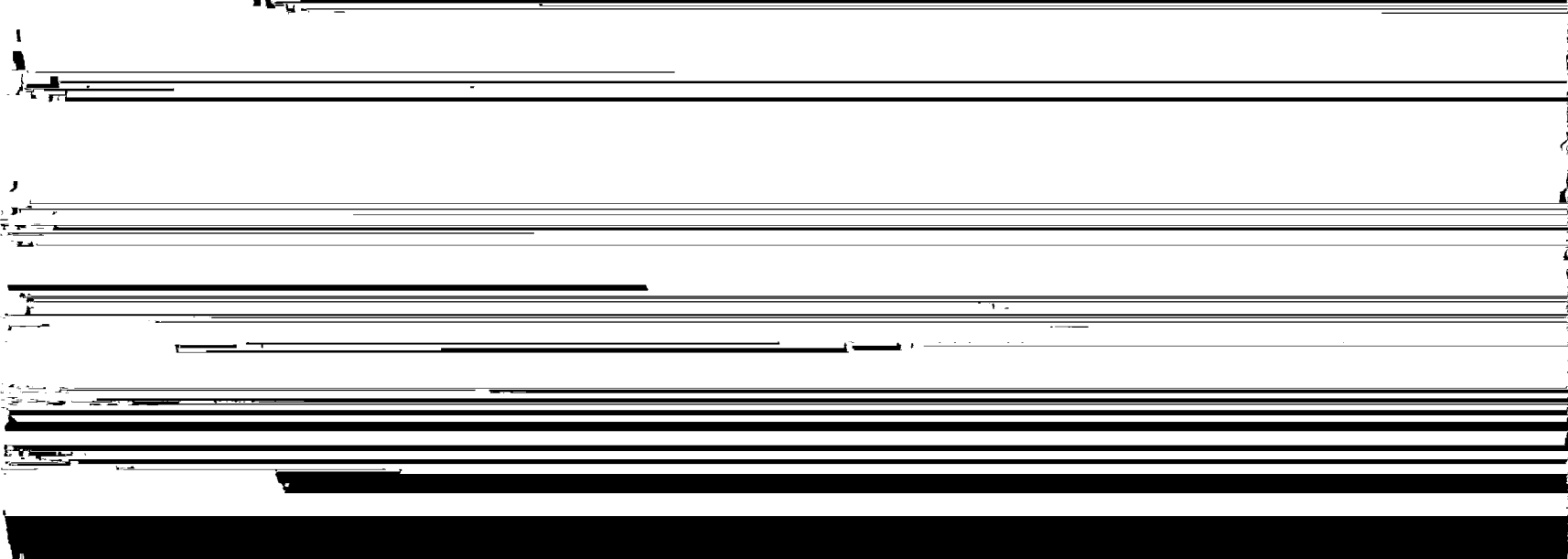
deregulate with a hands off approach. The FCC created a second monster when they failed to require compatibility between the various manufactures trunking equipment. Unfortunately, local governments and the tax paying public have had to bear the brunt of this monster. Due to patented formats between the various manufactures, no longer can the local government agency request bids from the industry when it is on trunking. By legislation under the guise of not preventing advancement in technology you have caused the American tax paying public to spend billions in unnecessary taxes. If the world was perfect with no greed, your past approach to the trunking issue of non-compatible formats would be fine. However, if the world was perfect, there would be no law suits. If the world was perfect, there would be no incredibly short sighted decisions as to not provide for a compatibility requirement in The Notice between various manufactures.

In California, the FCC specifically stated that there was no intention to require compatibility between various manufactures in future technologies. The reason stated was that they did not wish to inhibit potential advancement in technologies. We agree with that. However, these technologies should be developed in areas that do not affect the public in such negative aspects. Let the technologies be proven elsewhere in spectrum. After the new technology is developed the standards for compatibility can then be investigated. Without compatibility between various manufactures, equipment has no place in the Public Safety market

or in government at any level. History has repeatedly proven that a manufacture charges a premium every time he knows there is no competition to fight.

C. The effects of The Notice already:

1) Within the Dallas Ft. Worth area, many of our Public Safety personnel have already been approached with the doomsday notion of refarming. Our customers are being told that their new radio purchases will be obsolete in 1996 and not usable in 2004. A certain vendor is presenting this docket to the local Public Safety market as though it were already passed into law. I might add this vendor has recently sold a 40 channel trunked system to



D. The FCC and existing problems:

1) We are out of spectrum only due to extremely poor management of the existing spectrum. The open admission by RITRON of selling radios to the general public without licenses as well as other indications within the industry show much loss of respect for the FCC. Comments from the dealers and manufactures to the FCC and discussions at EXPO in March showed a general loss of the FCC's credibility. The beginning of these decaying attitudes started with the FCC creating monopoly coordinators. The FCC needs to regain it's credibility and respect. As long as documents such as The Notice continues to be drafted by the FCC, your credibility will continue to degrade.

2) As long as NABER operates under the assumption that they can not deny any application which has the first 25 lines filled out correctly, there will be chaos within the spectrum. As long as NABER acts only as a rubber stamp operation, there can be no management of spectrum. At least APCO and ISMA attempt to control power and antenna heights.

3) Interservice sharing was an excellent idea. Unfortunately when it takes an additional coordination fee for the secondary coordinator and it also takes over a year to get a license coordinated, interservice sharing doesn't work.

4) When the FCC doesn't have the manpower to regulate and enforce it's laws, their laws become meaningless. This was demonstrated at Anaheim by RITRON's open admission to selling over two million radios to unlicensed users. This is demonstrated by Radio Shack continuing to sell Marine radios to individuals for installation as base and mobile units and selling business band radios to unlicensed users. This is also demonstrated by the Amateur Radio dealers selling converted ham radios to both the business and Public Safety market. This is demonstrated by the FCC ignoring our complaints and request for help whenever we find and report problems.

E. In summation:

1) It is difficult to believe the FCC was serious in the total concept of this proposal. R & D Communications believes this to be an unworkable solution to the problems of current day spectrum allocations and supports the LMCC alternate plan.

2) Prior to any changes, the existing methods of spectrum management needs to be examined and changed. If the existing poor management of spectrum is carried over into any future band reallocations, the same problems will crop up in the future. This is a problem which will someday be addressed purely out of necessity.

3) The FCC needs to come out of the Ivory Tower and see what the reality is. They need to fully understand the ramifications of their actions, both good and bad. They need to understand that proposals written based on inaccurate information such as The Notice only serves to elevate the growing distrust and lack of respect the industry has developed for the FCC. The FCC has cost the industry a large amount of money simply in addressing this one proposal and this cost will be passed on to the using public.

Sincerely Yours,

R & D COMMUNICATIONS, Inc.

A handwritten signature in black ink, appearing to read 'Robert Parsons', with a large, stylized flourish at the end.

Robert Parsons

Vice President